



Amendment to the Claims

Please add and amend the claims as indicated below:

1.(Currently amended): A therapeutic element comprising:

an elongate solid member;

radioactive seed elements;

said radioactive seed elements dispersed within said elongate solid member;

wherein said elongate solid member is axially rigid and radially flexible.

BO 2.(Currently amended): The therapeutic element set forth in claim 1 wherein said elongate solid member ~~is axially rigid and radially flexible.~~ has a diameter substantially similar to the diameter of the radioactive seed elements.

3.(Original): The therapeutic element set forth in claim 1 wherein said elongate solid member is sufficiently axially rigid to prevent jamming or collapsing while being pushed out of a needle.

4.(Original): The therapeutic element set forth in claim 1 wherein said elongate solid member has sufficient radial flexibility to maintain locational accuracy relative to a tumor target as said tumor target shrinks in size.

5.(Original): The therapeutic element set forth in claim 1 wherein the thickness of said elongate solid member around said radioactive seeds is sufficient to decrease normal tissue necrosis from a high local dose of radiation.

6.(Original): The therapeutic element set forth in claim 1 wherein said elongate solid member is longitudinally flexible.

RECEIVED
MAY 19 2003
3700 MAIL ROOM

B

7.(Original): The therapeutic element set forth in claim 1 wherein said elongate solid member is impregnated with a hormone.

8.(Original): The therapeutic element set forth in claim 1 wherein said elongate solid member is impregnated with a drug.

9.(Original): The therapeutic element set forth in claim 1 wherein said radioactive seed elements are positioned at various intervals along the length of said elongate solid member.

10.(Original): The therapeutic element set forth in claim 1 wherein said radioactive seed elements contain a hormone.

11.(Original): The therapeutic element set forth in claim 1 wherein said radioactive seed elements contain a drug.

12.(Original): The therapeutic element set forth in claim 1 wherein said radioactive seeds contain a compound or element that emits photonic radiation having a low energy and a short half-life.

13.(Original): The therapeutic element set forth in claim 1 wherein said radioactive seeds contain an isotope consisting of the group iodine 125, palladium 103, iridium 192, cesium 131, gold 198 yttrium 90 and phosphorus 32.

14.(Original): The therapeutic element set forth in claim 1 wherein said elongate member is composed of a bio-absorbable material.

15.(Original): The therapeutic element set forth in claim 1 wherein said elongate member is composed of a bio-absorbable material absorbed by living tissue within about 70 to 120 days.

B

16.(Previously Amended): The therapeutic element set forth in claim 1 wherein said elongate member is composed of a bio-absorbable material is selected from the group consisting of polymers and copolymers of glycolide, lactide and polydioxanone.

17.(Original): The therapeutic element set forth in claim 1 wherein said elongate solid member is echogenic.

18.(Original): The therapeutic element set forth in claim 1 wherein said elongate solid member has air bubbles.

19.(Original): The therapeutic element set forth in claim 1 wherein said elongate solid member is laterally flexible.

B2 20.(Currently Amended): A therapeutic element comprising:
an elongate, axially rigid and radially flexible member;
radioactive seed elements;
said radioactive seed elements dispersed within said elongate member; and
said elongated member having diameter substantially similar to the diameter of the radioactive seed element.

21.(Original): The therapeutic element set forth in claim 20 wherein said axially rigid and radially flexible member is continuous.

22.(Currently Amended): A therapeutic element comprising:
an elongate axially rigid and radially flexible member;
radioactive seed elements;
hormone impregnated seed elements;
said radioactive seed elements and said hormone impregnated seed elements dispersed within said elongate axially rigid and radially flexible member, wherein said elongated member has a diameter

B

substantially similar to the diameter of said radioactive seed elements and have more impregnated seed elements.

23.(Original): The therapeutic element set forth in claim 22 wherein said axially rigid and radially flexible member is continuous.

24.(Original): A therapeutic element comprising:
an elongate axially rigid and radially flexible member;
radioactive seed elements;
drug impregnated seed elements;
said radioactive seed elements and said drug impregnated seed elements dispersed within said elongate axially rigid and radially flexible member.

25.(Original): The therapeutic element set forth in claim 24 wherein said axially rigid and radially flexible member is continuous.

26.-27.(Canceled)

62 28.(Original): A therapeutic element comprising:
an elongate axially rigid member;
said elongate axially rigid member not having sufficient rigidity to be driven into a tumor without deflection;
radioactive seed elements;
said radioactive seed elements dispersed within said elongate solid member.

29.- 48.(Canceled)

49.(Previously Amended): The therapeutic element of claim 1 wherein said member has a durometer in the range of about 20 to about 80.

50.(Previously Amended): The therapeutic element of claim 1 wherein said member has a durometer in the range of about 20 to about 40.

51.(Previously Amended): The therapeutic element of claim 20 wherein said member has a durometer in the range of about 20 to about 80.

52.(Previously Amended): The therapeutic element of claim 20 wherein said member has a durometer in the range of about 20 to about 40.

53.(Previously Amended): The therapeutic element of claim 28 wherein said member has a durometer in the range of about 20 to about 80.

54.(Previously Amended): The therapeutic element of claim 28 wherein said member has a durometer in the range of about 20 to about 40.

55.- 64.(Canceled)

62 65.(Original): The therapeutic element set forth in claim 1 wherein said elongated member is composed of a bio-absorbable material which is absorbed when the half-life of the radioactive seed elements is reached.

66.(Original): The therapeutic element set forth in claim 20 wherein said elongated member is composed of a bio-absorbable material that is absorbed when the half-life of the radioactive seed elements is reached.

67.(Original): The therapeutic element set forth in claim 28 wherein said elongated member is composed of a bio-absorbable material that is absorbed when the half-life of the radioactive seed elements is reached.

68.(Original): The therapeutic element of claim 1 wherein said therapeutic element is steam sterilizable.

69.(Original): The therapeutic element of claim 20 wherein said therapeutic element is steam sterilizable.

70.(Original): The therapeutic element of claim 22 wherein said therapeutic element is steam sterilizable.

71.(Original): The therapeutic element of claim 24 wherein said therapeutic element is steam sterilizable.

72.(Canceled)

73.(Original): The therapeutic element of claim 1 wherein the radioactive seed element is bio-absorbable.

B2 74.(Original): The therapeutic element of claim 20 wherein the radioactive seed element is bio-absorbable.

75.(Original): The therapeutic element of claim 1 wherein the radioactive seed element also contains a drug and wherein the seed element is bio-absorbable.

76.(Original): The therapeutic element of claim 20 wherein the radioactive seed element also contains a drug and wherein the seed element is bio-absorbable.

77.-91.(Cancelled)

92.(New): The therapeutic element of claim 1 wherein the elongated solid member has a constant diameter.

B

93.(New): A therapeutic element comprising:

a polymeric material;

a plurality of radioactive seed elements; wherein

said polymeric material forms an elongated member by encapsulating and connecting said plurality of radioactive seed elements end-to-end; and
said elongated member having a diameter substantially similar to that of the radioactive seed elements.

94.(New): The therapeutic element of claim 93 wherein the polymeric material is a polymer.

95.(New): The therapeutic element of claim 93 wherein the polymeric material is a co-polymer.

96.(New): The therapeutic element of claim 93 wherein the polymeric material is a natural bio-compatible material.

97.(New): The therapeutic element of claim 93 wherein the polymeric material is a synthetic bio-compatible material.

98.(New): The therapeutic element of claim 93 wherein the polymeric material is a natural bio-absorbable material.

99.(New): The therapeutic element of claim 93 wherein the polymeric material is a synthetic bio-absorbable material.

100.(New): The therapeutic element of claim 93 wherein the elongated member has alternating segments of polymeric material and seed elements.

101.(New): The therapeutic element of claim 93 wherein the elongated member is axially rigid and radially flexible.

102.(New): The therapeutic element of claim 93 wherein the elongated member has a substantially constant diameter.

103.(New): The therapeutic element of claim 93 wherein the elongated member has a diameter substantially similar to the diameter of the radioactive seed elements.

Sub
C1
104.(New): The therapeutic element set forth in claim 93 wherein said elongate member is sufficiently rigid axially to prevent jamming or collapsing while being pushed out of a needle.

105.(New): The therapeutic element set forth in claim 93 wherein said elongate solid member has sufficient radial flexibility to maintain locational accuracy relative to a tumor target as said tumor target shrinks in size.

106.(New): The therapeutic element set forth in claim 93 wherein the thickness of said elongate solid member around said radioactive seeds is sufficient to decrease normal tissue necrosis from a high local dose of radiation.

107 (New): The therapeutic element set forth in claim 93 wherein said elongate solid member is longitudinally flexible.

B2
108.(New): The therapeutic element set forth in claim 93 wherein said polymeric material is impregnated with a hormone.

109.(New): The therapeutic element set forth in claim 93 wherein said polymeric material is impregnated with a drug.

110.(New): The therapeutic element set forth in claim 93 wherein said radioactive seed elements are positioned at various intervals along the length of said elongate solid member.

B

111.(New): The therapeutic element set forth in claim 93 wherein said radioactive seed elements are impregnated with a hormone.

112.(New): The therapeutic element set forth in claim 93 wherein said radioactive seed elements are impregnated with a drug.

113.(New): The therapeutic element set forth in claim 93 wherein said radioactive seeds contain a compound or element that emits photonic radiation having a low energy and a short half-life.

Sub C1
114.(New): The therapeutic element set forth in claim 93 wherein said radioactive seeds contain an isotope consisting of the group iodine 125, palladium 103, iridium 192, cesium 131, gold 198 yttrium 90 and phosphorus 32.

115.(New): The therapeutic element set forth in claim 93 wherein said polymeric material is absorbed by living tissue within about 70 to 120 days after implant.

116.(New): The therapeutic element set forth in claim 93 wherein said polymeric material is absorbed by living tissue at substantially the same time as the half-life of the radioactive seed elements are reached.

117.(New): The therapeutic element set forth in claim 93 wherein said polymeric material is selected from the group consisting of polymers and copolymers of glycolide, lactide and polydiacaxanone.

B2
118.(New): The therapeutic element set forth in claim 93 wherein said elongate solid member is echogenic.

119.(New): The therapeutic element set forth in claim 93 wherein said elongate solid member has air bubbles dispensed within.

120
121
1.12.6
121.(New): The therapeutic element of claim 93 wherein said elongate member has a durometer in the range of about 20 to about 40.

Sub C1
121
122.(New): The therapeutic element of claim 93 wherein said elongate member has a durometer in the range of about 20 to about 80.

122
123.(New): The therapeutic element of claim 93 wherein said polymeric material is moldable during manufacture of the therapeutic element.

123
124.(New): The therapeutic element of claim 93 wherein said polymeric material forms said elongated member through compression molding techniques.

B